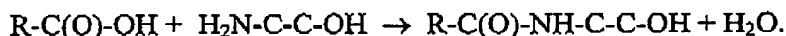


REMARKS

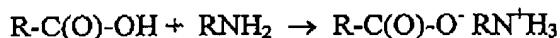
Claims in the Application. Claim 15 has been canceled from the application. Claims 11 and 17 have been amended. Claims 19-26 have been added to this application. Accordingly, Claims 1-14 and 16 - 26 are active in this application. Reconsideration is respectfully requested.

Examiner's Rejection of the Claims Over Horn et al. The Examiner has rejected Claim 1, 3, 5-6, 10-16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over WO 98/25985 ("Horn"). This ground for rejection is traversed.

The Examiner premises the rejection over *Horn* on the statement made in lines 20-21 of page 4 of the originally filed specification that "fatty acid condensation products suitable for the practice of the present invention can be prepared from fatty acids and alcohols, amino alcohols, amines or mixtures thereof." Amines, as well as amino alcohols and alcohols, form condensation products with fatty acids. A condensation product is a reaction product of two or more reactants wherein water is formed. Exemplary condensation products using amines and amino alcohols are:



*Horn* discloses the reaction of an amine with a fatty acid to form a *salt*:



Thus, *Horn* discloses the formation of *salt compounds*, not the formation of *condensation products*. The art recognizes the distinction between fatty acid amine salts and fatty acid condensation products. Note, for instance, the classification of fatty acid amine condensates (Sec. 721.3620) versus fatty acid amine salts (Sec. 721.3625) on the EPA Chemical Substance

List, 40 CFR 721.3620 and 40 CFR 7211.3525, copies attached. The rejection fails to distinguish between the reaction of an amine and a fatty acid to form a *salt* versus the reaction of an amine and a fatty acid to form a *condensation product*. The rejection should therefore not be maintained.

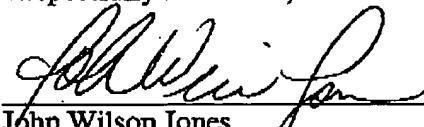
Further, Claim 11 and Claims 20-26 specifically recite the condensation product being the "product of a fatty acid and an alcohol and/or amino alcohol". *Horn* does not disclose a condensation product of a fatty acid and an alcohol and/or amino alcohol.

Examiner's Rejection of the Claims Over Horn et al. in view of Clatty. The Examiner has maintained the rejection of Claims 2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Horn et al* and further in view of U.S. Patent No. 4,751,252 ("Clatty"). This ground for rejection is likewise traversed. For reasons stated *supra*, *Horn* does not teach the invention set forth in Claim 1. *Clatty* fails to cure the deficiencies of *Horn*.

Examiner's Rejection of the Claims Over Slocum. The Examiner has further rejected Claims 7-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,019,317 ("Slocum"). This ground for rejection is also traversed. The Examiner states that that the "claims at issue preclude the formation of a prepolymer". The claims at issue recite reaction of the "fatty acid condensation product with an isocyanate *in the presence of an IMR-enhancer compound*." Even if the claims at issue preclude the formation of the prepolymer, as the Examiner contends, the prepolymer of *Slocum* is not prepared in the presence of the IMR-enhancer compound. The rejection therefore should not be maintained.

Conclusion. The claims of Applicant are distinguishable over the cited references for the reasons stated above. The Examiner is invited to telephone the undersigned should he deem it prudent to expedite the processing of this application.

Respectfully submitted,

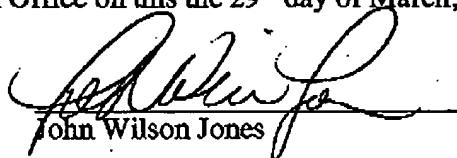
  
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**CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.6(d)**

I hereby certify that this correspondence is being transmitted to Examiner Allan R. Kuhns at the United States Patent and Trademark Office on this the 29<sup>th</sup> day of March, 2005 via facsimile, (703) 872-9306.

  
John Wilson Jones

[Code of Federal Regulations]  
[Title 40, Volume 22, Parts 700 to 789]  
[Revised as of July 1, 1998]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 40CFR721.3620]

[Page 238]

## TITLE 40--PROTECTION OF ENVIRONMENT

### CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

#### PART 721--SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES--Table of Contents

##### Subpart E--Significant New Uses for Specific Chemical Substances

Sec. 721.3620 Fatty acid amine condensate, polycarboxylic acid salts.

(a) Chemical substance and significant new uses subject to reporting. (1) The chemical substance identified as a fatty acid amine condensate, polycarboxylic acid salts. (PMN P-92-445) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) Release to water. Requirements as specified in Sec. 721.90

(a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) Specific requirements. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) Recordkeeping requirements. Requirements as specified in Sec. 721.125 (a), (b), (c), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) Limitations or revocation of certain notification requirements.

The provisions of Sec. 721.185 apply to this section.

[57 FR 46466, Oct. 8, 1992, as amended at 58 FR 34204, June 23, 1993]

[Code of Federal Regulations]  
[Title 40, Volume 22, Parts 700 to 789]  
[Revised as of July 1, 1998]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 40CFR721.3625]

[Page 238]

## TITLE 40--PROTECTION OF ENVIRONMENT

### CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

#### PART 721--SIGNIFICANT NEW USES OF CHEMICAL SUBSTANCES--Table of Contents

##### Subpart E--Significant New Uses for Specific Chemical Substances

Sec. 721.3625 Fatty acid amine salt (generic name).

(a) Chemical substance and significant new uses subject to reporting. (1) The chemical substance identified generically as fatty acid amine salt (PMN P-88-1889) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) Hazard communication program. Requirements as specified in Sec. 721.72 (b)(2), (c), (f), and (g)(3)(ii). The provisions of Sec. 721.72(g) would require the following warning language on the label: Minimize releases to the environment.

(ii) Industrial, commercial, and consumer activities. Requirements as specified in Sec. 721.80 (k) and (q).

(iii) Release to water. Requirements as specified in Sec. 721.90(a)(1).

(b) Specific requirements. The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) Recordkeeping. The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance, as specified in Sec. 721.125 (a), (b), (c), (f), (g), (h), (i), and (k).

(2) Limitations or revocation of certain notification requirements. The provisions of Sec. 721.185 apply to this significant new use rule.

(3) Determining whether a specific use is subject to this section. The provisions of Sec. 721.1725(b)(1) apply to this section.

[55 FR 33305, Aug. 15, 1990. Redesignated and amended at 58 FR 29946, May 24, 1993; 58 FR 34204, June 23, 1993]